

Memorandum to the City of Markham Committee of Adjustment

August 13, 2025

File: A/086/25
Address: 59 Proctor Avenue, Markham
Agent: TAES Architects Inc. (Shenshu Zhang)
Hearing Date: Wednesday, August 20, 2025

The following comments are provided on behalf of the West District Team:

The applicant is requesting relief from the following requirements of By-law 2024-19, RES-ENLR & GWY1, as amended, as it relates to a proposed rear one-storey addition to the existing dwelling. The variances requested are to permit:

- a) **By-law 2024-19, Section 4.8.9.2(a)(i)**: a soft landscaping strip with a minimum width of 0.6 metres abutting the interior east side lot line, whereas the by-law requires a minimum soft landscaping strip of 1.5 metres abutting the interior side lot line;
- b) **By-law 2024-19, Section 5.3.2(b)(i)**: a driveway located in the front yard to be located 0.6 metres from the interior east side lot line, whereas the by-law requires a driveway to be located no closer than 1.8 metres from the interior side lot line;
- c) **By-law 2024-19, Section 6.3.2.2(e)**: a maximum distance from the established building line of 23.32 metres for the first storey, whereas the by-law permits a maximum distance from the established building line of 22.19 metres for the first storey;
- d) **By-law 2024-19, Section 6.3.2.2(f)**: a front yard setback of 20.10 metres, whereas the by-law requires a minimum front yard setback of 34.42 metres. as it relates to a proposed one-storey addition with a covered corridor connected to the existing one-and-a-half storey dwelling.

BACKGROUND

Property Description

The 2,672 m² (28,761 ft²) subject property is located on the south side of Proctor Avenue, west of Bayview Avenue and east of Henderson Avenue. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. Mature vegetation exists across the property.

There is an existing single-detached dwelling on the property, which according to assessment records was constructed in the 1950's. Mature vegetation exists on the property including two large mature trees located in the front yard.

Proposal

The Owner is proposing to construct a rear addition that is connected to the existing dwelling via a 1-storey corridor connection to provide additional living space. The proposal also includes the extension of the existing driveway into the current rear yard and into the proposed attached garage, also in the existing rear yard.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on July 17/24)

The Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings.

Zoning By-Law 2024-19

The subject property is zoned RES-ENLR & GWY1 under By-law 2024-19, as amended, which permits a detached dwelling. The Proposed Development does not conform to the minimum soft landscape strip, setback for a driveway, and the minimum and maximum building setbacks. Consequently, the Owner has submitted this variance application to address the above noted zoning deficiencies.

Applicant’s Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is:

“The owner lives with three generations under one roof and would like to build an addition to provide more space for their large family. The requested variances for the front yard setback, the east side yard greenbelt width, and the east side driveway setback all reflect existing conditions. The maximum distance of the main building from the established building line exceeds the requirement by only 1.13 metres. The owner is proposing this extension to better utilize the depth of the lot, which is sufficiently long to accommodate the addition.”

Zoning Preliminary Review (ZPR) Undertaken

The Owner has completed a Zoning Preliminary Review (ZPR) on May 26, 2025, to confirm the variances required for the proposed development.

COMMENTS

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

Reduced Soft Landscape Strip (from interior east side lot line) Variance

The Owner is requesting to permit a minimum soft landscape strip of 0.6 metres abutting the interior east side yard, whereas the by-law requires a minimum soft landscape strip of 1.5 metres abutting the interior side lot line.

The requested variance only applies to the proposed extension of the existing driveway into the side and rear yards to access the proposed integrated garage within the proposed rear addition. Engineering and Urban Design staff have reviewed the application and have no concern with the variance respecting drainage. Planning staff are of the opinion that the requested variance is minor in nature.

Reduced Driveway Setback Variance

The Owner is requesting a variance to permit a driveway located in the front yard to be located 0.6 metres from the interior east side lot line, whereas a driveway is required to be located no closer than 1.8 metres from the interior side lot line. Staff note that the existing driveway has a width of approximately 4.7 m (15.42 ft) which projects from the front yard to the east side yard. As previously noted, and related to the variance described above, the proposal includes an extension to the driveway into the existing rear yard and into the proposed internal garage door for the proposed addition. Given the proximity of the existing dwelling, a reduction to the above noted standard is required.

Although the proposed variance will result in a loss of soft landscaping area, a large landscape area will continue to be provided on the subject property. Staff are of the opinion that the requested variance will not compromise the existing character of the community.

Increased Maximum Distance from the Established Building Line Variance and Minimum Front Yard Setback Variance

The Owner is requesting to permit a maximum front yard setback of 23.32 m (76.5 ft), whereas the By-law permits a maximum front yard setback of 22.19 m (72.8 ft). This represents an increase of approximately 1.1 m (3.7 ft).

In addition, the Owner is requesting to permit a minimum front yard setback of 20.1 m, whereas the By-law requires a minimum front yard setback of 34.42 m. This represents a reduction of approximately 14.32 m).

The two above noted variances are entirely attributable to the significant offset setbacks for the two abutting dwellings. The lot to the east (63 Proctor Avenue) has a front-yard setback of 20.1 m, whereas the lot to the west (55 Proctor Avenue) has a front yard setback of 60.63 m. Given the size of the subject property, the significant offset distances from the adjacent homes and that all other setback requirements are being met, staff are of the opinion that the variance is minor and will not adversely impact the surrounding properties.

PUBLIC INPUT SUMMARY

One written submission was received as of August 13, 2025, which while did not object to the proposed development, requested that if trees are to be removed they do so within reason and necessary for the current proposal. It was also noted that the proposed addition should match the existing style of the neighbourhood.

It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets the four tests of the Planning Act and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

Please refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



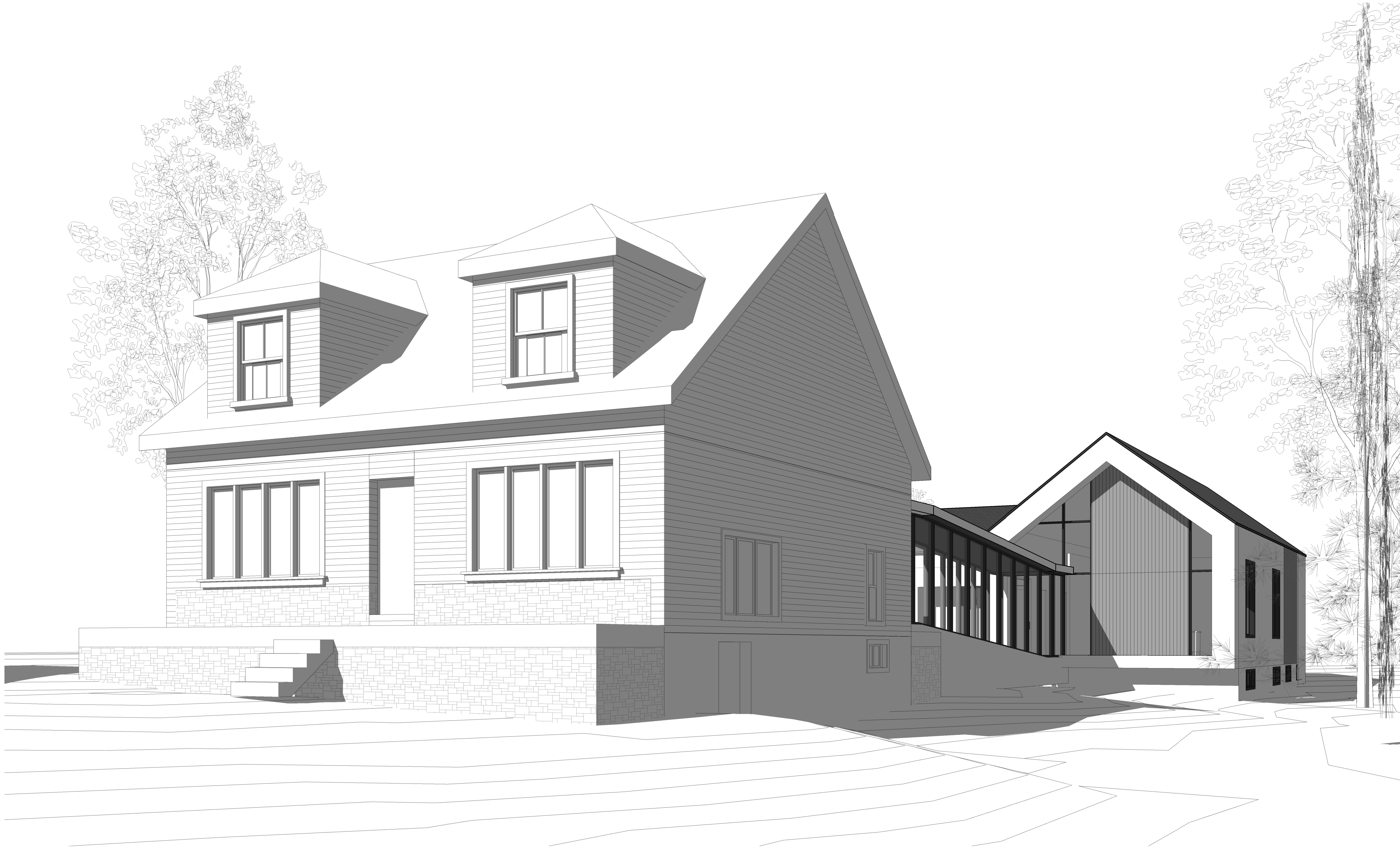
Nusrat Omer, MCIP, RPP, Senior Planner, Planning and Urban Design Department

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

Appendix 'A' – Proposed Development Plans
Appendix 'B' – Recommended Approval Conditions



RESIDENCE ADDITION

59 Proctor Ave, Markham ON

Appendix A

File: 2012024040.dwg
Date: 8/14/2025
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No.	Issued	Date	By
1	Zoning Preliminary Review	2025-05-20	EW
3	Variance Applicaition	2025-06-25	EW

TAES Architects Inc.
98 SCARSDALE ROAD,
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Residence

59 Proctor Ave.

Project No. T2024040

Drawn Scale

Checked Date

Cover Page

Drawing No. A000

Appendix A

File: 25-10007-000-0000

Date: 8/14/2025
MM/DD/YYYY

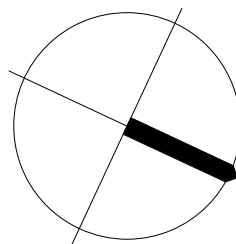
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Project No. T2024040

Drawn Scale As indicated

Checked Date

Site Plan & Statistics

Drawing No. A001

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SITE STATISTICS- (BY-LAW 2024-19)

ZONING	RES-ENLR, GWY1	LOT NO.	PT-LOT 15
PLAN NO.	2368	LOT AREA	28,762 SF (2,672 SM)
LOT FRONTAGE	70' - 0" (21.34M)	LOT DEPTH	410' - 10 1/2" (125.24M)

DESCRIPTION	EXISTING	PROPOSED	REQUIRED	SECTION
MIN LOT FRONTAGE	70' - 0" (21.34M)	70' - 0" (21.34M)	21.34 m	1.9.3
MIN. LOT AREA	28,762 SF (2,672 SM)	28,762 SF (2,672 SM)	6,600 SF	
MIN. LOT DEPTH	125.24 M	125.24 M	83.96 M	6.3.2.2(B)
MAX.BUILDING HEIGHT				
MAX.BUILDING DEPTH		N/A	N/A	
NO. OF STORIES	1 1/2	2	2	6.3.2.2(K)
MAX.OUTSIDE WALL HEIGHT	8.71 M	8.71 M	10.0 M ROOF SLOPE >25 DEGREE	6.3.2.2(J) 6.2.1
MAX. GARAGE DOOR WIDTH		2.74 M	50% BUILDING FACADE=6.68	6.3.2.2(L)
MAXIMUM PROJECTION OF AN ATTACHED PRIVATE GARAGE BEYOND THE MAIN WALL OF THE BUILDING		N/A	1.8 M	6.3.2.2(M)
BUILDING AREA		294.60 SM		
MAX. MAIN BUILDING COVERAGE		300.33 SM 11.24% 44.64 SM 1.67%	30% 1st Sto. 20% 2nd Sto.	6.3.2.2(C)
COMBINED MAIN BUILDING COVERAGE	GROSS FLOOR AREA(INCL. GAR.)	300.33 SM	500 SM	XIV*
MAX. LOT COVERAGE		300.33 SM	11.24%	35% 6.3.2.2(D)
Established Building Line: 34.43 m				
Max. distance of the mainbuilding from the established buildingline		23.32 M*	22.19 M	6.3.2.2(E)
MAX. HARD LANDSCAPING IN FT.YARD (DRIVE WAY EXCLU.)		30.52 SM 9.60%	15%	4.8.9.1
MIN.SOFT LANDSCAPING STRIP WIDTH (ESAT YARD)	0.50 M	0.60 M*	1.5 M	4.8.9.2 a))
MIN. DRIVEWAY SETBACK (EAST YARD)	0.50 M	0.60 M*	1.8 M	5.3.2 b))
SETBACK	EXISTING	PROPOSED	REQUIRED	SECTION
FRONT (NORTH)	20.10 M	20.10 M*	34.43 M	6.3.2.2(F)
SIDE (EAST)	4.72 M	5.18 M	1.8 M	6.3.2.2(I)
SIDE (WEST)	6.86 M	2.80 M	1.8 M	
SIDE COMBINED	11.58 M	7.98 M	25%x21.34 =5.34 M	
REAR (SOUTH)		67.53 M	7.5 M	6.3.2.2(G)

UNIT 1(Existing): CORRIDOR
GF: 89.28 SM
SF:44.64 SM
TOTAL: 133.92 SM

UNIT 2(Addition):
GF: 160.09 SM
GARAGE: 20.11 SM
TOTAL: 180.20 SM

Appendix A

File:

25/10/2025 09:00:00 AM

Date:

8/14/2025

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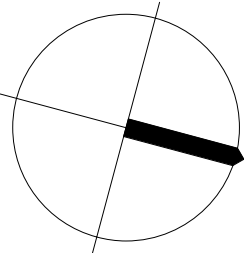
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Residence

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Project No. T2024040

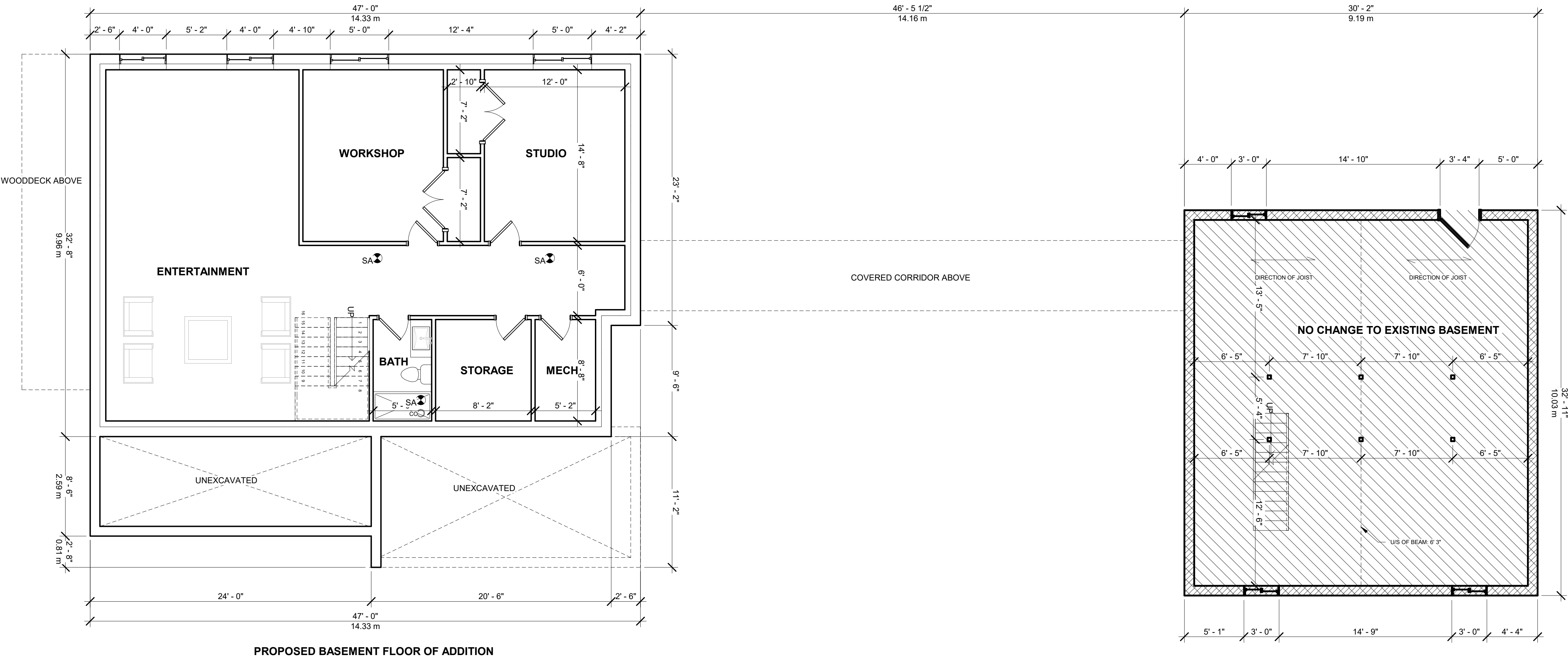
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Checked Date

Basement Floor

Drawing No. A101

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Appendix A

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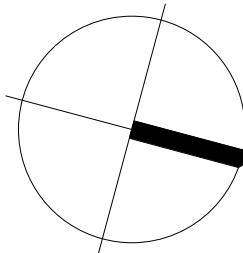
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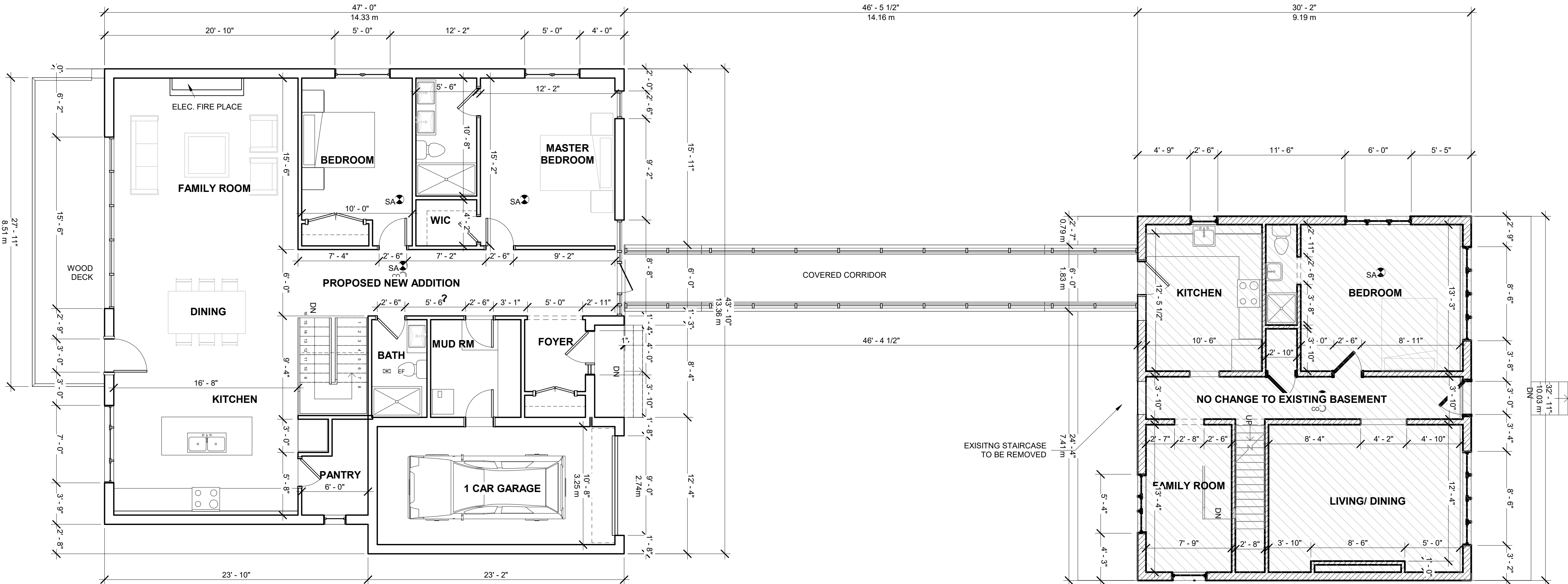
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Ground Floor Plan

Drawing No. A102

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PROPOSED GROUND FLOOR OF ADDITION

Appendix A

File: 25-120027-000-000000.dwg

Date: 8/14/2025
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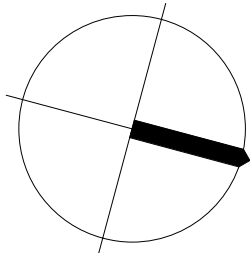
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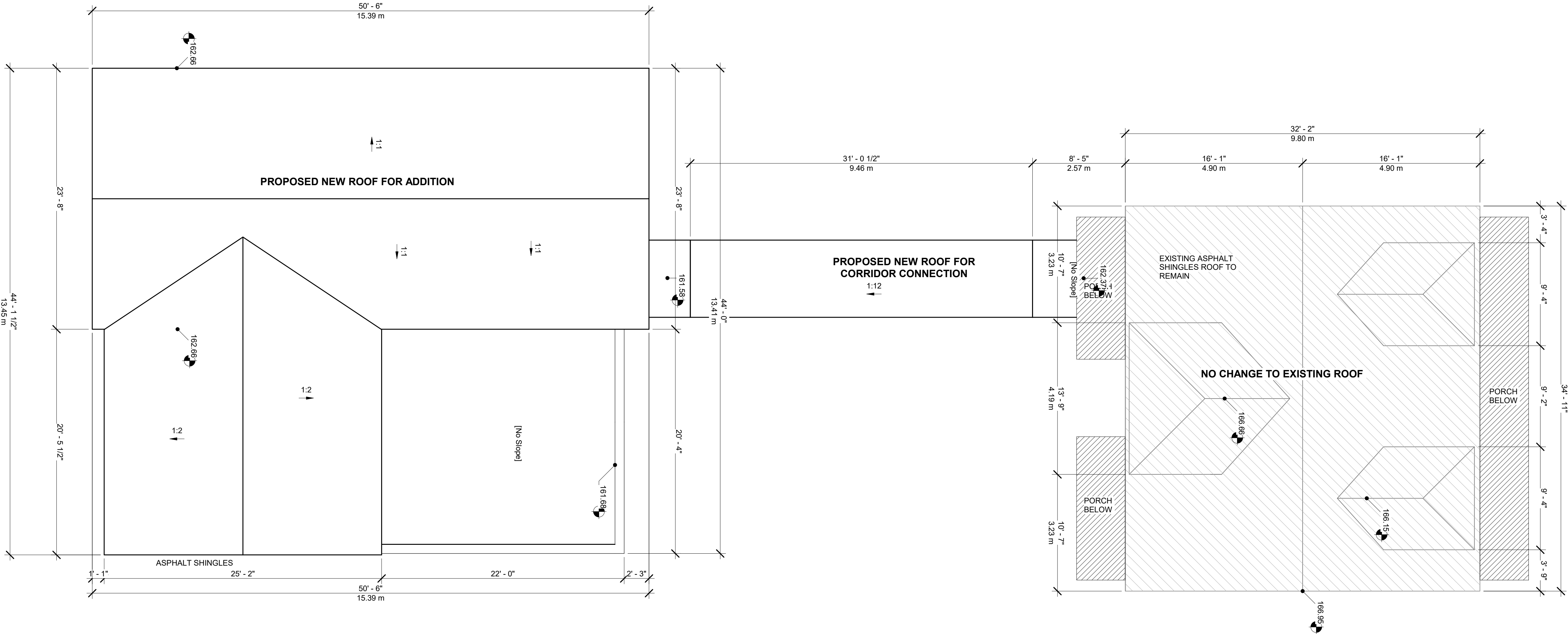
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Roof Plan

Drawing No. A104

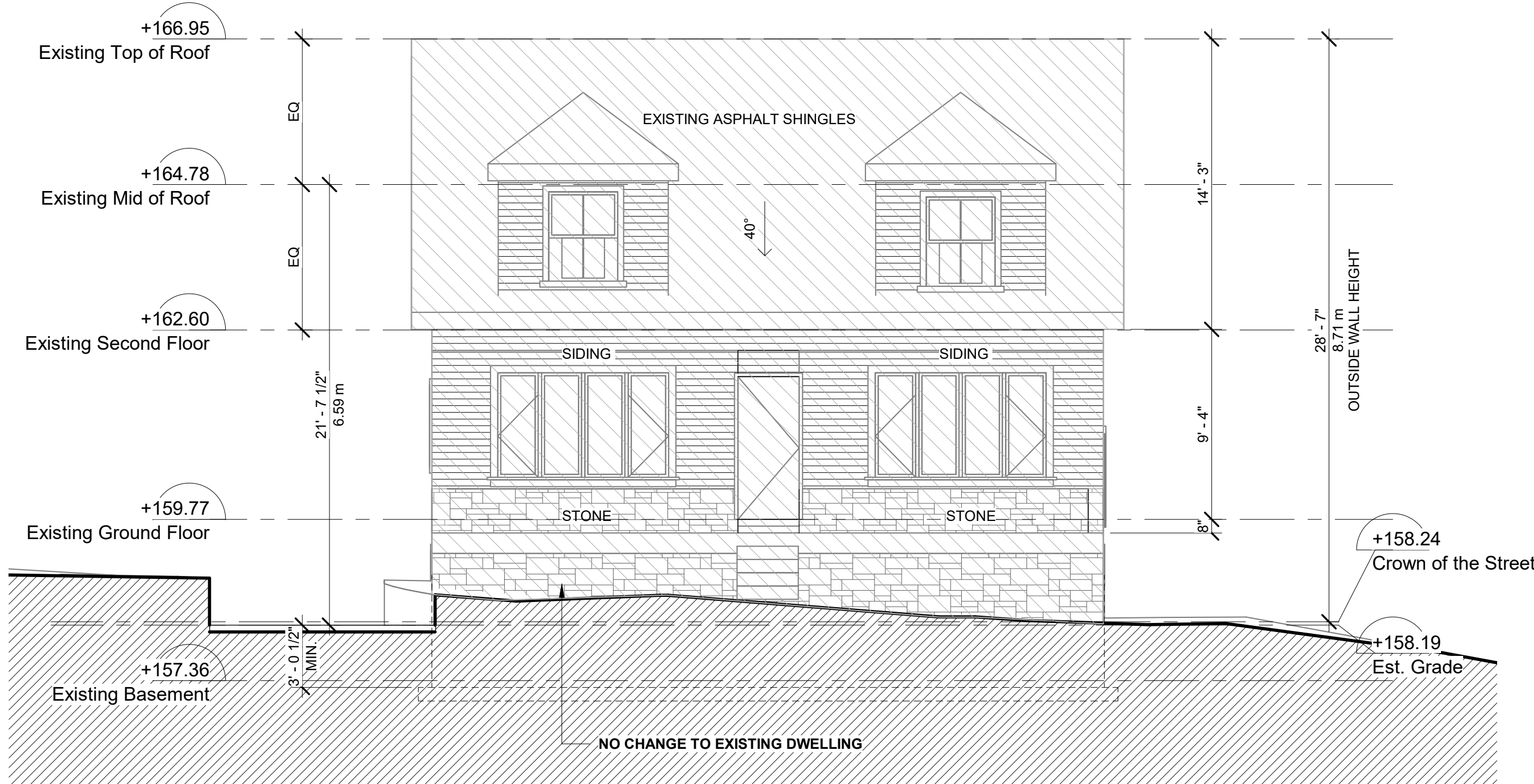
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Appendix A

File: 25-100007-000-0000.dwg

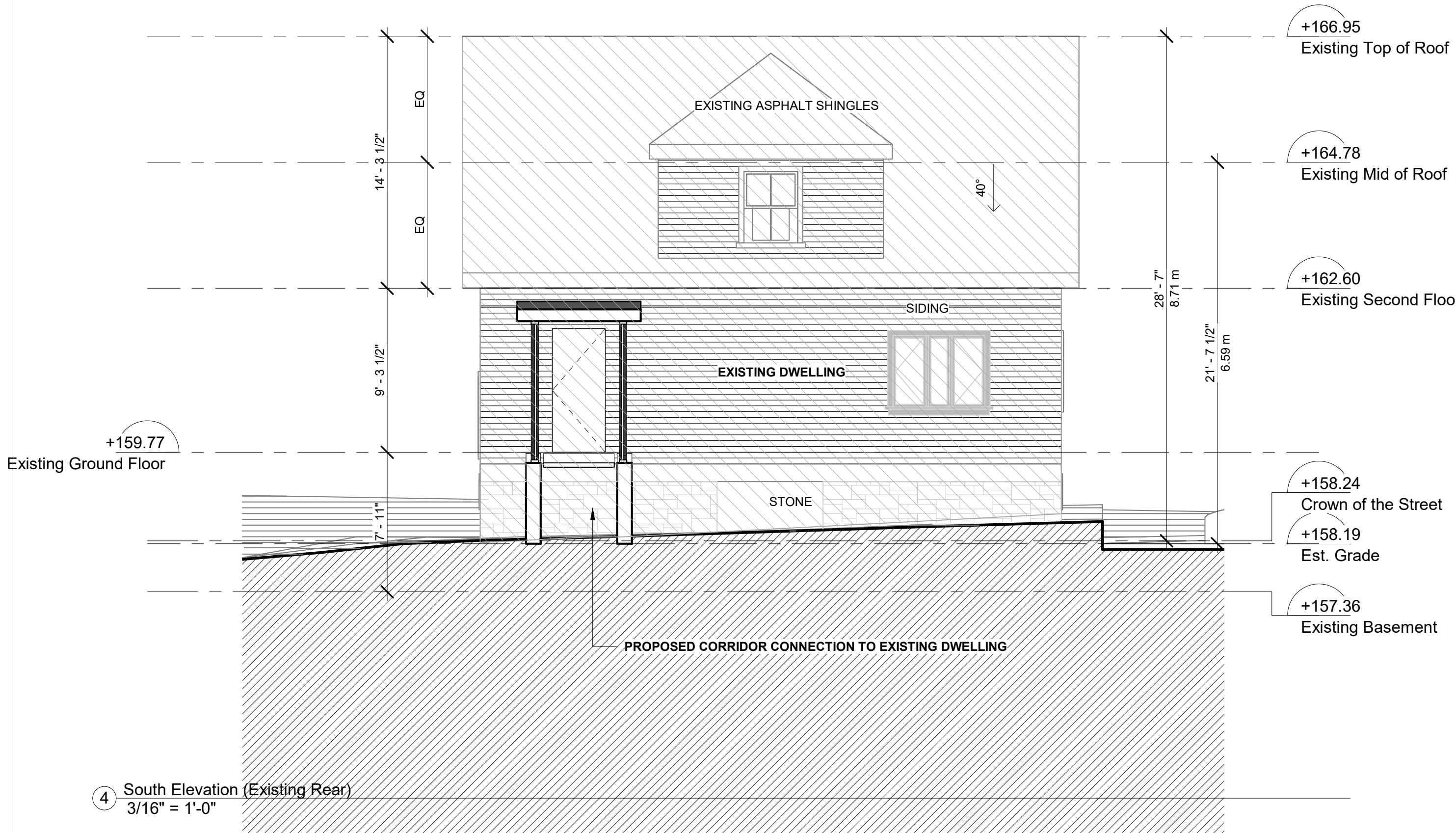
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1 North Elevation (Existing Front)
3/16" = 1'-0"



2 North Elevation (Addition Front)
3/16" = 1'-0"



4 South Elevation (Existing Rear)
3/16" = 1'-0"



3 South (Rear) Elevation
3/16" = 1'-0"

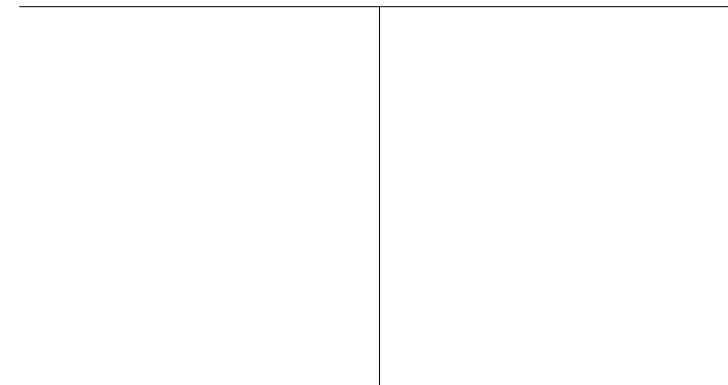
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Residence

59 Proctor Ave.

Project No.	T2024040
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North (Front)& South
Elevation

Drawing No. A201

Appendix A

File: 25-12007-000-0000-00
Date: 8/14/2025
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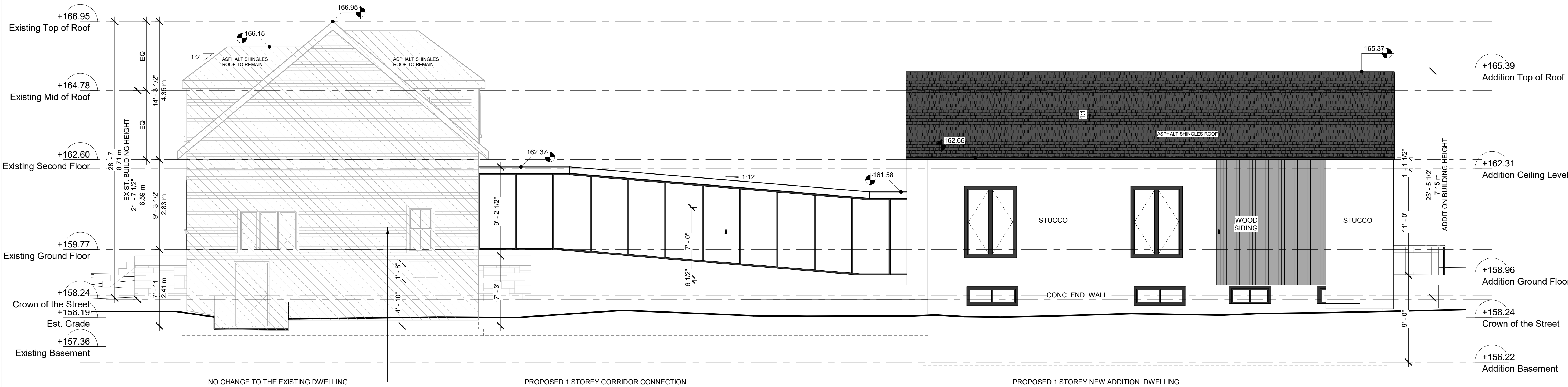
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Residence

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Project No.	T2024040
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Checked	Date

West Elevation

Drawing No. **A203**

Appendix A

File: 25-120027-000-000000.dwg
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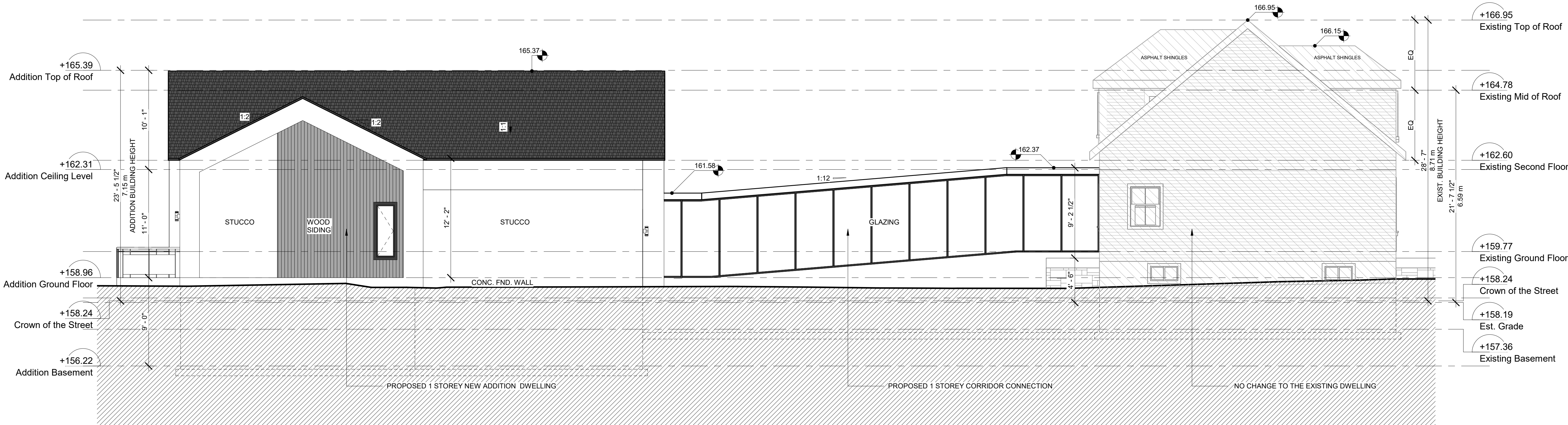
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Project No.	T2024040
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East Elevation

Drawing No. A204

Appendix A

File: _____
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Perspectives (Addition)

Drawing No. A501

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1 3D View -Front



2 3D View -Rear

APPENDIX “B”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/086/25

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix A' to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a Qualified Tree Expert in accordance with the City's Tree Assessment and Preservation Plan (TAPP) Requirements (2024) as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation By-law Administrator that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, neighbouring properties, and street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation By-law Administrator.
5. If required as per Tree Preservation review, tree securities and/or tree fees be paid to the City and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation By-law Administrator.

CONDITIONS PREPARED BY:

Nusrat Omer, MCIP, RPP, Senior Planner, Planning and Urban Design Department